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In re Application of
MAYER, Karlheinz, et al.
Application No.: 09/787,919
PCT Application No.: PCT/EP99/07216
International Filing Date: 29 September 1999
Priority Date: 02 October 1998
Attorney Docket No.: MAYE3003/JEK
For: GRAVURE PROCESS FOR PRINTING
ADJACENT COLOUR SURFACES
WITH VARIOUS COLOUR COATING
THICKNESSES

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicants' petition filed on 29 August 2001 to accord a filing date of 01 June 2001 to the declaration and information disclosure statement.

The petition is **GRANTED**.

BACKGROUND

On 29 September 1999, applicants filed an international application, No. PCT/EP99/07216. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 April 2000.

On 02 May 2000, applicants filed a demand for international examination in which the United States was elected. The deadline for entering the national stage was thus thirty months from the priority date, that is 02 April 2001.

On 02 April 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. §371(c)(1); an English translation of the international application as required by 35 U.S.C. §371(c)(2); the preliminary amendment and an unexecuted declaration.

On 26 April 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required. The NOTIFICATION set a two-month extendable period for reply.

On 29 August 2001, applicants submitted the instant petition under 37 CFR 1.181, which was accompanied by, *inter alia*, a declaration of the inventors and a copy of a postcard receipt stamped 01 June 2001 listing, *inter alia*, missing parts response w/Decl. and Information Disclosure Stmt. /References.

DISCUSSION

MPEP at section 503 states, in part:

A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicants' date stamped postcard receipt lists, *inter alia*, missing parts response w/Decl. and Information Disclosure Stmt. /References. The postcard receipt provides adequate evidence that these items were received at the USPTO on 01 June 2001.

Applicants state that the documents submitted on 29 August 2001 are the documents originally filed on 01 June 2001 and that the postcard receipt is a true copy of the postcard. Applicants have met the burden of providing adequate evidence that the documents were received by PTO and providing a true copy of the documents, in this case, the originals.

The \$130.00 surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e) will be charged to counsel's Deposit Account No. 02-0200 as authorized in the transmittal letter filed 02 April 2001.

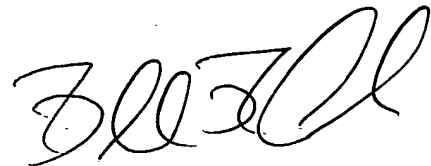
CONCLUSION

Petition is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including the mailing of a Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 U.S.C. §371(c) date is 01 June 2001.



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